

**A SUBSTITUTE ORDINANCE BY
COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

09-O-1947

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO AN AGREEMENT WITH THE HIGH-MINOR SPORTS FOUNDATION, INC. WHEREBY THE FOUNDATION WILL DONATE TO THE CITY \$3,550.72 PER MONTH IN EXCHANGE FOR THE CITY'S CONTINUING TO PROVIDE PROGRAMMING AT, MAINTAIN AND OPERATE THE CENTRAL PARK RECREATION CENTER; AND AUTHORIZING THE CITY'S ACCPETANCE OF THIS DONATION; AND AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO CREATE AN ACCOUNT INTO WHICH FUNDS DONATED BY THE FOUNDATION SHALL BE DEPOSITED, AND FROM WHICH THE FUNDS SHALL BE EXPENDED FOR THE SOLE PURPOSE OF PAYMENT OF THE EXPENSES FOR THE CENTRAL PARK RECREATION CENTER'S STAFF AND OPERATING AND MAINTENANCE COSTS; AND FOR OTHER PURPOSES.

WHEREAS, Central Park Recreation Center (the "Center") is a City-owned recreation center located at 400 Merritts Ave. NE, Atlanta, Georgia 30308; and

WHEREAS, in December 2008, Mayor Franklin implemented large cuts to the City of Atlanta ("City") budget and a reduction in the City's work force to address an anticipated budget shortfall for Fiscal Year 2009. As a result, many of the City's recreation centers were closed for programming, including the Center; and

WHEREAS, as of December 2008, the City has not been able to provide any services at the Center, including payment of utility bills, providing sanitation and janitorial services, and providing staffing at the site; and

WHEREAS, Dan High and Pastor Paul have an established history of providing programming for community outreach to youth in the Central Park neighborhood, and proving funding for said programming; and

WHEREAS, Dan High and Pastor Paul wish to provide financial and programming support for the Center so that it may remain open to the public, and wish to do so as a corporation named High-Minor Sports Foundation, Inc.; and

WHEREAS, the Foundation has agreed to reimburse the City for its personnel expenses incurred from keeping open and providing programming at the Center, in an amount of \$3,550.72 per month. Specifically, this money will fund the salary and other employment costs of two City staff positions at the Center. The Foundation is willing to provide this funding for at least three years; and

WHEREAS, in addition to paying for personnel costs, the Foundation has agreed to pay for all operating costs for the Foundation, including without limitation utilities and supplies, and for all maintenance costs not exceeding \$1,000; and

WHEREAS, the Department of Parks, Recreation and Cultural Affairs recommends that the City accept this donation and enter an agreement with the Foundation that would establish the terms of the donation; and

WHEREAS, the City is appreciative of the Foundation's proposed contribution and finds that it is in the City's best interest to accept the contribution and dedicate the funds to payment of the expenses for the Central Park Recreation Center's staff, and operating and maintenance costs.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The Mayor or her designee, on behalf of the City, is hereby authorized to enter an agreement ("Agreement") with the High-Minor Sports Foundation, Inc., and the Agreement will include, at a minimum, that:

- a) The Foundation will pay to the City \$3,550.72 per month ("Contribution Funds"); and
- b) The City will use the Contribution Funds provided by the Foundation for the sole purpose of paying for the expenses for two staff members at the Central Park Recreation Center; and
- c) The City will continue to operate, maintain and provide programming at the Central Park Recreation Center; and
- d) The Foundation will reimburse the City for all Center operating costs, including without limitation consumable and non-consumable supplies, and Center maintenance costs not exceeding \$1,000. In addition, the Foundation will place the City's utility accounts in the Foundation's name, and will pay for those costs directly; and
- e) The term of the agreement shall be for three years, and shall have one three-year renewal option contingent upon the mutual approval of the Foundation and the City; and
- f) The Foundation may, but is not required to, provide programming at the Center at its own cost contingent upon written approval by the Director of the Office of Recreation.

SECTION 2: The City of Atlanta hereby accepts the Foundation's donation of \$ \$3,550.72 per month, its donation of its payment of Center operating costs, and its donation of payment of Center utility costs, through the time that the Agreement expires or is terminated, and agrees to use the Contribution Funds as described in Section 1(b) above.

SECTION 3: The City Attorney or her/his designee is authorized to prepare the Agreement and such other documents as may be necessary to carry out the intent and purpose of this ordinance.

SECTION 4: Neither the Agreement nor any other document contemplated by this ordinance shall be binding on the City until such Agreement and/or document is fully executed, sealed by the clerk and delivered to the Foundation.

SECTION 5: The Mayor or her/his designee, on behalf of the City, is authorized to create an account (the "Contribution Account") into which the City will deposit all Contribution Funds. No other funds may be deposited into the account. Said account shall have the following Account Segment/ PATEO Numbers:

ADD TO ANTICIPATIONS

7701	FUND	TRUST
140323	GL DEPT	PRC CENTRAL PARK REC. CENTER
3710001	REVENUE ACCT	PRIVATE CONTRIBUTION/ DONATION
6122000	FUNCTION/ACTV.	RECREATION CENTER
600377	GL PROJECT	HIGH-MINOR SPORTS FOUNDATION
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

ADD TO APPROPRIATIONS

7701	FUND	TRUST
140323	GL DEPT	PRC CENTRAL PARK REC. CTR.
5111001	EXPENSE ACCT	SALARY; REGULAR
5112001		SALARY; EXTRA HELP
5213001		SALARY; MEDICARE
5212001		CONSULTANT/ PRO
5222003		REPAIR & MAINT
6122000	FUNCTION/ACTV	RECREATION CENTER
600377	GL PROJECT	HIGH-MINOR SPORTS FOUNDATION
69999	GL FUNDING SOURCE	NON CAPITAL TRUST

SECTION 6: All funds in the Contribution Account must be used for the sole purpose of paying for the expenses for two staff members at the Central Park Recreation Center, paying for other Center operating costs, including without limitation consumable and non-consumable supplies, and paying for Center maintenance costs.

SECTION 7: All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

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Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: Community Development/ Human Resources Committee

Caption: AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO AN AGREEMENT WITH THE HIGH-MANOR SPORTS FOUNDATION, INC. WHEREBY THE FOUNDATION WILL DONATE TO THE CITY \$3,550.72 PER MONTH IN EXCHANGE FOR THE CITY'S CONTINUING TO MAINTAIN, OPERATE, AND PROVIDE PROGRAMMING AT THE CENTRAL PARK RECREATION CENTER; AND AUTHORIZING THE CITY'S ACCPETANCE OF THIS DONATION; AND AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO CREATE AN ACCOUNT INTO WHICH FUNDS DONATED BY THE FOUNDATION SHALL BE DEPOSITED, AND FROM WHICH THE FUNDS SHALL BE EXPENDED FOR THE SOLE PURPOSE OF PAYMENT OF THE EXPENSES FOR THE CENTRAL PARK RECREATION CENTER'S STAFF AND OPERATING AND MAINTENANCE COSTS; AND FOR OTHER PURPOSES.

Council Meeting Date: December 7, 2009

Requesting Dept.: Department of Parks, Recreation, and Cultural Affairs

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to enter into an Agreement with the High-Manor Sports Foundation, Inc. for programming at the Central Park Recreation Center, on behalf of the Department of Parks, Recreation and Cultural Affairs.

2. Please provide background information regarding this legislation.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):**

(b) **Source Selection:**

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Debra F. Harris

Contact Number: (404) 817-6795

Originating Department: Department of Parks, Recreation and Cultural Affairs

Committee(s) of Purview: Community Development/ Human Resources Committee

Chief of Staff Deadline: October 27, 2009

Anticipated Committee Meeting Date(s): December 1, 2009

Anticipated Full Council Date: December 7, 2009

Legislative Counsel's Signature: Robin Shahar

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ENTER INTO AN AGREEMENT WITH THE HIGH-MANOR SPORTS FOUNDATION, INC. WHEREBY THE FOUNDATION WILL DONATE TO THE CITY \$3,550.72 PER MONTH IN EXCHANGE FOR THE CITY'S CONTINUING TO MAINTAIN, OPERATE, AND PROVIDE PROGRAMMING AT THE CENTRAL PARK RECREATION CENTER; AND AUTHORIZING THE CITY'S ACCPETANCE OF THIS DONATION; AND AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO CREATE AN ACCOUNT INTO WHICH FUNDS DONATED BY THE FOUNDATION SHALL BE DEPOSITED, AND FROM WHICH THE FUNDS SHALL BE EXPENDED FOR THE SOLE PURPOSE OF PAYMENT OF THE EXPENSES FOR THE CENTRAL PARK RECREATION CENTER'S STAFF AND OPERATING AND MAINTENANCE COSTS; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: [Signature] 10/27/09 Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____

RCS# 3417
11/16/09
2:21 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
NV Young	Y Shook	Y Maddox	NV Willis
NV Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT II